

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATRICK CONWAY,

Plaintiff,

v.

HEALTHFIRST INC.,

Defendant.

No. 21-CV-6512 (RA)

ORDER ADOPTING
REPORT & RECOMMENDATION

RONNIE ABRAMS, United States District Judge:

On July 31, 2021, Plaintiff Patrick Conway filed the complaint in this action, asserting claims under the Americans with Disabilities Act (“ADA”), the Rehabilitation Act, and the New York City Human Rights Law. The Court granted Defendant Healthfirst Inc.’s motion to dismiss the third amended complaint with respect to all claims except Conway’s retaliation claims under the ADA and the Rehabilitation Act.

The parties then appeared before Magistrate Judge Netburn for a settlement conference. The parties reached an agreement on material settlement terms and agreed to create a binding oral contract. After Healthfirst drafted up that agreement in writing, however, Conway “changed his mind” about the settlement and refused to sign. Dkt. 85 at 5. Healthfirst then filed a motion to enforce the terms of the settlement agreement, which the Court referred to Magistrate Judge Netburn. Conway did not oppose Healthfirst’s motion.

Magistrate Judge Netburn then issued a report and recommendation (“the Report”), which recommended granting Healthfirst’s motion to enforce the settlement and dismiss Conway’s complaint with prejudice. Dkt. 93. Neither party objected to the Report.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s proposed findings and recommendations “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2). “When the parties make no objections to the Report, the Court may adopt the Report if ‘there is no clear error on the face of the record.’” *Smith v. Corizon Health Servs.*, 2015 WL 6123563, at *1 (S.D.N.Y. Oct. 16, 2015) (quoting *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005)). “Furthermore, if as here . . . the magistrate judge’s report states that failure to object will preclude appellate review and no objection is made within the allotted time, then the failure to object generally operates as a waiver of the right to appellate review.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009).

No objections to Judge Netburn’s Report were filed here, so the Court reviews it for clear error. After careful consideration of the record, the Court finds no error and thus adopts the well-reasoned Report in its entirety. Accordingly, the parties are bound by the terms of their settlement agreement, *see* Dkt. 93 at 11, and Conway’s complaint is dismissed with prejudice.

The Clerk of Court is respectfully directed to enter judgment for Healthfirst and close this case.

SO ORDERED.

Dated: January 27, 2025
New York, New York



Ronnie Abrams
United States District Judge